

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PIERRE WATSON,

Plaintiff,

v.

ZACHARY DRISKILL, et al.,

Defendants,

)
)
)
)
)
)
)
)
)
)

No. 4:18-cv-00764

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of plaintiff Pierre Watson for leave to proceed in forma pauperis on appeal. (Docket No. 65). Having reviewed the motion and the financial information submitted in support, the Court has determined that plaintiff lacks sufficient funds to pay the entire appellate filing fee, and will assess an initial partial filing fee of \$1.00.

28 U.S.C. § 1915(b)(1)

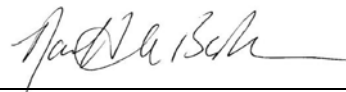
Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing an appeal in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court must assess, and when funds exist, collect an initial partial filing fee of 20 percent of the greater of (1) the average monthly deposit in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10.00, until the filing fee is fully paid. *Id.*

Plaintiff has not submitted an inmate account statement. In a letter accompanying his motion to proceed in forma pauperis on appeal, plaintiff states that he has been unable to obtain a copy of his account statement because the facility in which he is currently incarcerated is not providing printouts for inmates who are not pretrial detainees. (Docket No. 66). Nevertheless, having reviewed the information contained in the motion, the Court will require plaintiff to pay an initial partial filing fee of \$1.00. *See Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997) (when a prisoner is unable to provide the Court with a certified copy of his prison account statement, the Court should assess an amount “that is reasonable, based on whatever information the court has about the prisoner’s finances”). If plaintiff is unable to pay the initial partial filing fee, he must submit documentation in support of his claim.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis on appeal (Docket No. 65) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall pay an initial filing fee of \$1.00 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.



NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of May, 2020.